

14-21-A. Consultations, Determinations, Reviews, and Selection of Remedial Actions at Federal Facilities (1200 TN 539 14-21-A)

1. **AUTHORITY.** Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended: to consult with agencies, departments, and instrumentalities regarding investigations and studies of federal facilities under Section 120(e)(1); to review the plans for and results of such investigations and studies under Section 120(e)(2); to select remedial actions under Section 120(e)(4); and to determine under Section 120(e)(6) that remedial investigations and feasibility studies or remedial action will be done properly at a federal facility by another potentially responsible party within the deadlines provided in Sections 120(e)(1), (2), and (3).
2. **TO WHOM DELEGATED.** Director, Superfund and Emergency Management Division (SEMD); and the Chief, Federal Facilities and Site Assessment Branch, SEMD.
3. **LIMITATIONS.**
 - a. The Administrator, or his/her designee, reserves the authority for purposes of Section 120(e)(4) to select the remedy in the Record of Decision when the estimated cost of the remedy exceeds \$50 million.
 - b. Consultation prior to selection of a remedial action may be required by memorandum from the Assistant Administrator of the Office of Land and Emergency Management (AA/OLEM).
 - c. The Chief, Federal Facilities and Site Assessment Branch, SEMD, may exercise these authorities only to sign records of decision that determine that no remedial action or no further remedial action is necessary for all or part of a federal facility.
4. **REDELEGATION AUTHORITY.**
 - a. These authorities may be redelegated to the branch chief level and may not be redelegated without formal amendment.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.**
 - a. 40 CFR Part 300, "National Oil and Hazardous Substances Pollution Contingency Plan" (NCP).
 - b. EPA Delegation of Authority 14-2, Response.

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- c. EPA Delegation of Authority 14-21-B, Agreements with Other Federal Agencies.
 - d. EPA Delegation of Authority 14-40, Evaluation of Approved Remedial Design.
 - e. "Revisions to CERCLA Delegations of Authority 14-2 Responses and 14-21A Consultations, Determinations, Reviews, and Selection of Remedial Actions at Federal Facilities," Memorandum from Administrator E. Scott Pruitt, May 9, 2017.
6. **SUPERSESSION.** Delegations Manual, CERCLA, Regional Delegation 14-21-A. Consultations, Determinations, Reviews, and Selection of Remedial Actions at Federal Facilities, 1200 TN RIII 200, (August 3, 2017).

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Cosmo Servidio
Regional Administrator